

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,

No. CR-97-40193 SBA

Plaintiff,

ORDER

V.

[Docket No. 89]

ALFREAD DIXON,

Defendant.

On August 5, 1998, the Court sentenced defendant to 168 months custody, 5 years supervised release, a \$300 special assessment, and \$1,765.87 in restitution, for violating 18 U.S.C. § 2113(a) and (d), armed bank robbery, 18 U.S.C. § 924(c), use of a firearm in relation to a crime of violence, and 18 U.S.C. § 922(g)(1), being a felon in possession of firearm. Docket Nos. 45-46. By letter dated August 18, 2008, defendant indicates he is set for release to a half-way house in July 2009. Letter at 2 para. 3. Defendant states he would like more than six months in this facility, in order to better prepare for release into society. *Id.* He requests guidance from the Court on qualifying for release consistent with the Second Chance Act of 2007: Community Safety Through Recidivism Prevention (Second Chance Act of 2007), Pub. L. No. 110-199, sec. 1, 122 Stat 657, 657 (2008).¹ See Docket No. 89 at 2 para. 2.

Section 3624(c) of Title 18 previously read:

The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's re-entry into the community.

²⁶ 18 U.S.C. § 3624(c), amended by Second Chance Act, sec. 251(a), 122 Stat. at 692.

¹ Defendant refers to this act as the Second Chance Act of 2008, Letter at 1 para. 1, perhaps as it was signed into law in 2008.

1 On April 9, 2008, the President signed the Second Chance Act into law, amending subdivision (c),
2 in part, to read:

3 The Director of the Bureau of Prisons shall, to the extent practicable, ensure
4 that a prisoner serving a term of imprisonment spends a portion of the final months of
5 that term (not to exceed 12 months), under conditions that will afford that prisoner a
6 reasonable opportunity to adjust to and prepare for the reentry of that prisoner into
7 the community.

8 18 U.S.C. § 3624(c)(1).

9 This act also added subdivision (c)(6) which states:

10 The Director of the Bureau of Prisons shall issue regulations pursuant to this
11 subsection not later than 90 days after the date of the enactment of the Second
12 Chance Act of 2007, which shall ensure that placement in a community correctional
13 facility by the Bureau of Prisons is--

- 14 (A) conducted in a manner consistent with section 3621(b) of this title;
15 (B) determined on an individual basis; and
16 (C) of sufficient duration to provide the greatest likelihood of successful
17 reintegration into the community.

18 *Id.* § 3624(c)(6).

19 This act also added language to 18 U.S.C. § 3621(b) which states:

20 The Bureau of Prisons shall designate the place of the prisoner's imprisonment.
21 [¶] . . . [¶] Any order, recommendation, or request by a sentencing court that a convicted
22 person serve a term of imprisonment in a community corrections facility shall have no
23 binding effect on the authority of the Bureau under this section to determine or change
24 the place of imprisonment of that person.

25 Second Chance Act, sec. 251(b), 122 Stat. at 693 (codified at 18 U.S.C. § 3161(b) para. last).

26 As the foregoing indicates, federal inmates may now serve up to 12 months, rather than 6, in
27 a community correctional facility. The Bureau of Prisons ("BOP") was charged with promulgating
28 regulations to implement this change by July 8, 2008. Through the Second Chance Act, Congress

1 has delegated the authority to implement the Act's changes to the BOP. Defendant should contact
2 BOP agents at his facility in order to learn about the BOP's new regulations and ascertain how he
3 might take advantage of these changes. In other words, defendant should direct his inquiry as to
4 what he must do to qualify for the Second Chance Act to BOP agents at his facility.

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6 IT IS SO ORDERED.

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8 September 8, 2008

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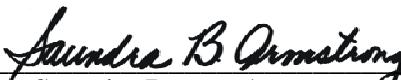
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Saundra Brown Armstrong
United States District Judge

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